

File No. N - 17 / 145 / 2019 - NM (Part)

Government of India
Ministry of Law & Justice
(Department of Justice)

Jaisalmer House, 26-Mansingh Road,
New Delhi – 110011

Dated: 19th February, 2020

OFFICE MEMORANDUM

Subject: Record of Discussion of the Meeting held for improving India's ranking in World Bank Report on Doing Business for parameter of "Enforcing Contracts" on 14.02.2020 – Regarding.

Please find enclosed herewith Record of Discussion of the Meeting held on 14.02.2020 in New Delhi to discuss the progress on the action required to be taken by the concerned Departments for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator for your kind information, record and necessary action.



(Ashok Kumar)
Deputy Secretary
Tel. No. 011-23072136

Encl: As above

1. The Registrar General, High Court of Delhi, New Delhi.
2. The Registrar General, High Court of Bombay, Mumbai
3. The Registrar General, High Court of Karnataka, Bengaluru
4. The Registrar General, High Court of Calcutta, Kolkata.
5. The Secretary (Law), Government of NCT of Delhi, New Delhi
6. The Prl. Secretary (Law), Government of Maharashtra, Mumbai.
7. The Principal Secretary (Law), Government of Karnataka, Bangluru.
8. The Secretary (Law), Government of West Bengal, Calcutta.
9. Shri Surinder S. Rathi, Member (Processes), B Block, 8th floor, Additional Building Complex, Supreme Court of India, New Delhi – 110001.
10. Ms. SupriyaDevasthali, Director, DPIIT.
11. Shri Soumendranath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
12. Shri P.K. Goel, Deputy Secretary, Department of Law Government of NCT Delhi.

Copy to:

1. Shri Ravinder, Joint Secretary, DPIIT
2. PPS to Secretary (Justice)
3. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi

RECORD OF DISCUSSION OF THE MEETING HELD ON 14.02.2020 AT 4.30 P.M. IN DEPARTMENT OF JUSTICE TO DISCUSS PROGRESS ON VARIOUS ISSUES RELATING TO "EASE OF DOING BUSINESS" ON PARAMETER OF "ENFORCING CONTRACTS".

A follow-up meeting was held on 14.02.2020 (Friday) at 4.30 P.M. in the Conference Hall of the Department of Justice, to discuss the progress on the reforms to be implemented in respect of "Enforcing Contracts" under "Ease of Doing Business" under the Chairmanship of Shri G. R. Raghavender, Joint Secretary, Department of Justice. A list of participants is attached as **Annexure**.

The following parameters were discussed by the Joint Secretary, Department of Justice with all the High Courts and Governments:

1. Infrastructure
2. Action Plan
3. Pecuniary Jurisdiction
4. Training Calendar
5. Contributors to World Bank Doing Business Report
6. Identification of commercial disputes as per Section 2 (1) (c) of the Commercial Courts Act, 2015
7. E-filing
8. E-Summons
9. Pre-institution Mediation
10. Case management Hearing
11. Data
12. Publicity Material

The following decisions were taken during the meeting:

Infrastructure

Bengaluru:

-The Joint Secretary advised the representatives that negotiations regarding rental amount for setting up of 10 dedicated Commercial Courts should take place at earliest. The representative from High Court of Karnataka mentioned that a consensus was going to be arrived at. The JS mentioned that the deadline for establishing dedicated commercial courts in Bengaluru and Kolkata is 15th February, 2020.

Delhi: Adequate infrastructure (building, furniture, equipment, etc) and all facilities of eCourts to commercial courts have been made available.

Mumbai: The representatives from Mumbai mentioned that separate independent space is not available however adequate infrastructure (building, furniture, equipment, etc) and all facilities of eCourts to commercial courts are available.

Kolkata: The representative from High Court of Calcutta mentioned that the structure for commercial courts will be ready soon. **The Joint Secretary requested to be invited once the structure is ready.** The representative further mentioned that

creation of 2 posts of District Judge entry level cadre with support staff for each dedicated commercial court is proposed and issuance of notification is pending. The Joint Secretary directed that the Notifications for creation of posts by Delhi, Mumbai and Karnataka should be shared for reference.

Identification of Commercial Cases

The Joint Secretary had mentioned that there needs to be identification of Commercial Cases as per Section 2(1)(c) of the Commercial Courts Act, 2015.

Delhi: Adequate number of commercial cases have been identified.

Mumbai: The representatives from Mumbai mentioned 1,010 cases have been identified as commercial cases till date.

Bengaluru: Adequate number of commercial cases are being identified in Bengaluru.

Kolkata: Adequate number of commercial cases are being identified in Kolkata.

Pecuniary Jurisdiction

Delhi: Pecuniary jurisdiction has been reduced to three lakh rupees in terms of Section of the Commercial Courts Act, 2015.

Mumbai: Pecuniary jurisdiction has been reduced to three lakh rupees in terms of Section of the Commercial Courts Act, 2015.

Bengaluru: Pecuniary jurisdiction has been reduced to three lakh rupees in terms of Section of the Commercial Courts Act, 2015.

Kolkata: The representatives mentioned that reduction of pecuniary value is under consideration.

Training Calendar

Delhi: The Joint Secretary requested that training calendar be provided as per letter of Secretary (Justice) dated 22nd January, 2020.

Mumbai: It was mentioned by the representative from the High Court of Bombay that training session was conducted on 16th January, 2020 by CPC for commercial judges at City Civil Court, Mumbai and that the CPC would be conducting a training session of Commercial Judges at Dindoshi soon. The Joint Secretary requested that training Calendar be provided as per letter of Secretary (Justice) dated 22nd January, 2020.

Bengaluru: It was mentioned by the representative that 256 judicial officers have been trained till date and training session is proposed to be conducted in March, 2020. The Joint Secretary requested that details of the training workshops conducted and training calendar be provided.

Kolkata: Training calendar provided.

ECMT for Judges and Lawyers

The JS requested representatives of Delhi, Mumbai, Kolkata and Bengaluru that flexi sheets be pasted on the display boards of their commercial courts so as to apprise the lawyers practicing in such courts of the reforms being undertaken especially ECMT for Lawyers and Judges.

Mumbai: It was mentioned by the representatives of Mumbai that: Information of availability of ECMT for Judges and Lawyers is made available on the District Court Website;

Vide email dated 8/01/2019 all the Principal District Judges / Principal Judge were requested to direct all the Judicial Officers under their control to install the Justls Mobile Application and use it for Court and Cases Management;

Vide High Court letter dated 24/06/2019 a proposal was submitted to the Government of Maharashtra for grant of Administrative approval and sanction of funds for procurement of Smart Phones with monthly prepaid 4G Internet facility for 2252 numbers of Judicial Officers in the State of Maharashtra for implementation of Electronic Case Management in the Districts and Subordinate Courts in the State of Maharashtra to improve India's ranking under the Ease of Doing Business. Reply is awaited;

On 09/01/2019, a training session on ECMT including Justls Mobile Application was conducted at the City Civil Court, Mumbai;

Comprehensive training on the effective use of CIS 3.0, NJDG, Electronic Case Management Tools was given to all Judicial Officers in State of Maharashtra, Goa and Union Territory of Diu Daman and Dadra and Nagar Haveli at Silvassa from 07/04/2019 to 28/04/2019;

User Manual on Justls Mobile Application for Judicial Officers has been prepared. Vide email dated 22/01/2019 the Manual to all the Courts under jurisdiction of Bombay High Court with a request to circulate it to all the Judicial Officers with direction to effectively use the said Mobile App for the Court and Case Management; and

In addition to Free Online Legal Websites, the High Court has provided online and offline Manupatra and SCC Online software to all the Judicial Officers so that they can have access to Laws, Regulations and Case Law online and offline.

List of Contributors to World Bank's Doing Business Report

The Joint Secretary requested High Courts of Bombay and Delhi to have meetings with the Contributors to the World Bank Report in their respective Commercial Courts to sensitize them on the reforms being undertaken under "Enforcing Contracts" especially ECMT for lawyers before 15th February, 2020. The JS directed that the list of contributors be shared again with the representatives of Mumbai. The same has been shared on 10.02.2020.

Pre-Institution Mediation

The JS requested Delhi, Mumbai, Bengaluru and Kolkata that data regarding Pre-Institution Mediation as per standard format be provided for January, 2020.

E-summons

The JS mentioned that NSTEP is for strengthening the judicial system and reducing delays. **He further advised that emails be system generated.**

Delhi: The representatives from Delhi mentioned that summons is being sent by SMS and that a committee for protocol regarding summons by email exists.

Mumbai: The representatives from Mumbai mentioned that NSTEP was operational as required for Ease of Doing Business. It was further mentioned that they had created one way email Id for each Court Establishment for service of summons and notices in civil cases. It was mentioned that procurement of Smart Phone for Bailiffs for electronic service in the State of Maharashtra under e-Courts project is in progress.

Bengaluru: It was mentioned that they were in the process of making rules regarding e-summons through email and SMS alert.

Kolkata: The JS requested the representatives from Kolkata to notify the rules regarding e-summons through email and SMS alert.

-The JS directed that rules of Mumbai and Delhi be shared with Kolkata and Bengaluru.

E-filing

Mumbai: The JS suggested a separate registry for Commercial Cases filed.

Bengaluru: The representative from the High Court of Karnataka mentioned that no cases have been e-filed in January, 2020.

Kolkata: At the last weekly review meeting, the representative from Kolkata invited this Department and representatives from Delhi to visit Kolkata and help set up e-filing. The JS made reference to letter from RG, High Court of Delhi to District and Sessions Judge (HQs), THC dated 13.02.2020 according necessary approval to depute Mr. Abhilash Malhotra, MM and Member, Centralized Computer Committee along with one technical resource person nominated by Chairperson, Centralized Computer Committee District Courts, Tis Hazari to visit High Court fo Calcutta and District Courts of Kolkata.

Delhi: The JS requested that E-filing should be implemented in all commercial cases.

-The JS suggested that efforts should be made to set up a separate registry for all commercial cases.

Data regarding Commercial Courts-

The Joint Secretary directed that emails regarding data with standard formats be shared with Delhi, Mumbai, Bengaluru and Kolkata

Delhi: The Joint Secretary requested that Data for all 11 districts be collated before sending.

Mumbai: The JS requested to provide data in excel sheet format and time period should be mentioned in days (and not months) and that only the numerical value should be mentioned.

Bengaluru: The Joint Secretary requested that the data regarding case management hearing be provided month wise, i.e. those cases listed in that month (Jan, 2020) and there may kindly be uniformity in the manner of writing dates, preferably DD/MM/YYYY.

The Joint Secretary further requested that data only for Bengaluru be provided. It was further mentioned that there is no data for automatic and random allocation, epayment of Court Fees, eSummons and PIMS in January, 2020. The JS requested that if there is any data, the same may please be provided. Email regarding the same sent on 17.02.2020.

Kolkata: The JS requested that data for January, 2020 be provided in excel sheet format and only as per the standard formats shared.

Publicity Material

The Secretary, DPIIT in a meeting held on 4th February, 2020 has requested this Department as a nodal authority for Enforcing Contracts under the Ease of Doing Business to immediately start outreach activities and publicity of reforms implemented till date in Delhi, Mumbai, Kolkata and Bengaluru.

This Department was further requested by the Secretary, DPIIT during the review meeting to draft a Media Plan. The draft Media Plan has been shared with the representatives from Delhi, Mumbai, Kolkata and Bengaluru for comments and taking necessary action on 11.02.2020. The Joint Secretary requested that Delhi, Mumbai, Kolkata and Bengaluru share their views on the media plan and by 19.02.2020 (Wednesday).

The Joint Secretary mentioned that updated material has been placed on <https://doj.gov.in/page/publicity-material> in addition to email sent on 07.02.2020 to the High Courts of Delhi, Mumbai, Calcutta and Karnataka and the Governments of NCT of Delhi, Maharashtra, West Bengal and Karnataka regarding ECourts Services publicity material for Enforcing Contracts in Ease of Doing Business.

-The Joint Secretary requested all representatives from Delhi, Mumbai, Kolkata and Bengaluru to get the same printed and circulated/displayed at vantage points in Commercial Court premises for the purpose of outreach to Judicial Officers along with support staff and lawyers.

-The Joint Secretary suggested the use of Justice Clock to all participants at the meeting.

The Joint Secretary also mentioned that other publicity materials like Memes on various reforms of Enforcing Contracts are in the stage of design and will be regularly forwarded to all for dissemination.

The Meeting ended with a vote of thanks to the chair.

Annexure

List of participants.

1. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
2. Shri Reetesh Singh, OSD Registrar, High Court of Delhi.
3. Shri Sanjay Kumar Aggarwal, Principal Secretary (Law), GNCTD
4. Shri Ashok Kumar, Deputy Secretary, Department of Justice.
5. Shri R.C. Ahuja, Under Secretary, Department of Justice.
6. Dr. PP Mitra, Consultant, National Mission for Justice Delivery and Legal Reforms
7. Smt. B. Bhavana Rao, Consultant, National Mission for Justice Delivery and Legal Reforms
8. Shri Rituj Chopra, Consultant, National Mission for Justice Delivery and Legal Reforms

Present through Video Conferencing

1. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
2. Shri Kallol Chattopadhyay, Registrar (Listing), High Court of Calcutta
3. Shri Arup Basu, Joint Secretary, Judicial Department, Government of West Bengal
4. Shri R.S. Pavaskar, Central Project Coordinator, High Court of Bombay, Mumbai
5. Shri D.P. Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
6. Shri Y.H. Ameta, Legal Advisor-cum-Joint Secretary, Law and Judiciary Department, Mantralaya, Mumbai
7. Shri T G Shivshankare Gowda, Registrar (Computer), High Court of Karnataka